

Again, I congratulate Richard Grasso on his receipt of the Cooley's Anemia Foundation first annual Humanitarian of the Year Award. With his continued support and assistance, I am confident that we will indeed live to see a cure. He is an example for us all.●

VICTIMS OF VENGEANCE

● Mr. SIMON. Mr. President, recently, I read in a denominational magazine, the Lutheran, an article by Judge Richard L. Nygaard on capital punishment.

It was of interest to me that the South African Supreme Court unanimously ruled against capital punishment, making South Africa join the large majority of modern, civilized nations that outlaw capital punishment.

The article has practical wisdom for all of us, coming from a judge who has no political agenda.

I ask that the article be printed in the RECORD at this point..

The article follows:

VICTIMS OF VENGEANCE

(By Richard L. Nygaard)

Perry Carris is dead. I doubt that many mourned him. Even among those who did not want him to die, most would readily admit that the world is a better place without him. He was a brutal killer. He and a friend entered the home of the friend's elderly uncle and aunt, then killed and robbed them. The uncle was stabbed 79 times and the aunt, who weighed only 70 pounds, 66 times.

But, you see, Carris didn't just die—we killed him. One night last year officers of the prison where he spent his final hours injected him with lethal chemicals, and, quietly, he met eternity. Many more are scheduled to die in like fashion. Moreover, the new federal crime bill imposes death as a penalty for 50 more crimes.

Is it not time to think about what society is doing? What we are doing? Carris' act was deliberate. So was ours. Carris' motivation was a cruel disregard for life. What was ours? The first killing clearly was criminal and unjustified—and sinful. But how about the second?

The death penalty as the ultimate sanction brings punishment sharply into focus. It is the surrogate for society's frustration with the failures of government to maintain order and protect them.

As a form of punishment, the killing of criminals is an issue with which Christians also must reconcile their beliefs. Many who are quick to condemn abortion because it kills an innocent being are just as quick to accept the death penalty, ostensibly because it kills a guilty being. Each is the killing of a human: The first is one whom Jesus said knows no sin; the second is one whose sin Jesus said could be forgiven. Is there a difference? Is this a paradox? Or can we reconcile our ambivalent attitudes about death?

WHY WE PUNISH

It is important first to know the purpose of our punishment. American penology is really quite simple. We have just three means of criminal punishment: probation, incarceration and death. And we rely upon only four justifications: rehabilitation, deterrence, containment and retribution. How does the death penalty serve these ends?

When we look at each possible justification, it becomes clear that both society's motivation and the penal system's justification for the death penalty is simply retribution: We are "getting even."

First, one can easily reject rehabilitation as the goal. The death penalty surely does not rehabilitate the person upon whom it is imposed. It simply takes his life.

The second purpose, deterrence, is more problematic. Statistics uniformly show that condemned criminals on death row did not consider the possibility that they might die for their crimes. Others, of course, may have thought of the consequences—and did not kill. But this possibility has been little-researched. We simply do not know much about this aspect of deterrence. Death, of course, is permanent deterrence. But the question is whether it is necessary. Life imprisonment will protect society from further criminal acts by the malefactor—and at less expense than execution.

Containment, the third justification for punishment, also poses a philosophical problem because it punishes a person for something as yet not done. We use the crime already committed to project, sometimes without further information, that he or she will do it again. Then we contain the person to prevent that.

Although killing the offender does, in a grim and final sense, contain and so protect society we must ask again: Is it necessary? It is not. Penologists recognize that an offender can be effectively and economically contained in a prison. They also reject containment to justify the capital punishment.

THE ULTIMATE PAYBACK

This leaves only retribution. Revenge—the ultimate payback. As a tool of retribution, death works wonderfully.

The desire for revenge is the dark secret in us all. It is human nature to resent a hurt, and each of us has a desire to hurt back. Before the time of law, the fear of personal reprisal may have been all that kept some from physical attacks upon others or property crimes against them. But with law, cultures sought to limit personal revenge by punishment controlled and meted out in a detached fashion by the sovereign.

Revenge between citizens is antithetical to civilized society. It invites a greater retaliation . . . which in turn invites counter reprisal . . . which invites more revenge. A spiraling escalation of violence between society and the criminal subculture results. By exacting revenge upon criminals, society plays on their terms and by their rules. We cannot win.

'ACCEPTABLE' REVENGE

Leaders know, and have for centuries, that civilization requires restraint. They know that open personal revenge is socially destructive and cannot be permitted. That, indeed, it must be renounced. Official revenge is not better, and the results are no less odious. By catering to the passions of society, government tells its citizens that vengeance is acceptable—it is just that you cannot do it.

Leaders today respond politically to the base passions of society rather than act as statesmen upon the sociological necessities of civilization. Vengeance requires a victim. In putting a criminal to death, our government gives us one. "Paying back," although destructive to culture and family alike, is politically popular. And so it is the law.

Christians also must confront what institutionalized killing is doing to our attitudes toward ourselves. As a judge, I have seen the defiant and unrepentant murderer. I know how easy it is to identify only with the innocent and injured. But should we not, as Christians, strive to exemplify the grace and mercy of Jesus? Should we not desire this quality also in our society?

On the eve of one execution last year, crowds gathered outside the prison to await a condemned man's death. And at the fateful

hour, they cheered. The Sunday before another execution, the newspaper printed a photograph of the stretcher upon which the offender was to die.

By urging vengeful punishment, society exposes its own desire for violence. Yes, the death penalty is constitutional. It is legal. But is it proper for government to give vent to this base desire of its citizens? I doubt that we, as a society, can kill without doing psychological damage to our culture.

Perry Carris, I know, received a fair trial and his full measure of due process on appeal. I know because I sat on the court that declined to stay his execution. What, however, does his death and the deaths of others executed mean—to me or to you, Christians who must decide whether or not to support death as a penalty?

We are a government of the people. We citizens are obliged to scrutinize the reason our society, and thus our government, kills. We who are Christians also must be satisfied that the reason is reconcilable with the tenets of our faith. Is it, when the reason is revenge?●

UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, Ukrainian Independence Day, August 24, is a time to remember Ukraine's past and to look to its bright future. Since Ukrainian independence in 1991, much has been accomplished in all areas of the country.

The recent legislative and Presidential elections give cause for hope. The open and fair manner in which they were carried out is evidence that democracy has taken root in Ukraine. Ukraine exhibits signs of a healthy democracy, including the existence of multiple interests represented within the government.

In the economic arena, Ukraine has exhibited much potential. Its significant natural resource endowment, focus on heavy industry, and its most important resource, the innovative and hard-working people of Ukraine, can combine to transform the country into a successful economic player in the world. Ukraine has taken significant steps to alleviate the natural strains that a country experiences when changing from a centralized to a free-market economy. These economic problems are similar to those now being experienced by many of the other countries of the Commonwealth of Independent States.

Under the guidance of the International Monetary Fund, Ukraine is working to halt hyperinflation and to achieve other beneficial goals, such as securing an efficient and cost-effective source of energy for the country. President Kuchma's plan of tight fiscal and monetary policies, price liberalization, foreign trade liberalization, and accelerated privatization appears to be the right economic track for Ukraine. The recent partnership signed with the European Union is another step in the right direction. It will give Ukraine most-favored-nation status and other trade advantages, and opens the possibility of a free trade agreement after 1998.